

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

Claim 12 has been rewritten in independent form. Additionally, the subject matter of cancelled Claims 17-20 has been incorporated into Claims 1, 8-10 and 13-16, but has been modified to recite that the cylindrical shutter traverses the passage of the outlet member and is removably fittable in a transverse cylindrical shutter hole of the outlet member. Basis for this is found in Figs. 11-14.

Claims 1, 3, 5 and 8-20 was rejected under 35 U.S.C. § 102 as being anticipated by Welch et al, wherein the sections 20 and 22 of the container 12 are considered to be separate elements. The portion between the shutter 60 and the lower section in Fig. 1 is deemed to be the second part of the outlet member which is fittable in the first part and includes the shutter. This rejection is respectfully traversed.

For example, Claim 12 recites that the outlet member comprises a first part selectively connectable to the base member and a second part fittable to the first part and including the shutter, e.g., as shown in Figures 12-14. This has the advantage that the shutter may be inserted into the inner part 45 prior to packing the container with toner (paragraph bridging pages 23-24). Contrary to the assertion in the Office Action, however, the second part of the outlet member which includes the shutter is *not fittable in* the first part.

Fig. 4 is an exploded detail view of the shutter structure of Welch et al. It illustrates that the lower section 24 comprises a wall 36 and a ring shaped valve seat 62 which cooperates with the valve disc 68. This valve seat 62 is the “part between the shutter 60 and member 24” which the Office Action considered to be the second part of the outlet member which is fittable in the first part.

However it is evident from Fig. 4 that the valve seat 62 is not “fittable in” the lower section 24. Instead, it is simply secured in some fashion to the end of the wall 36. Thus the

valve seat and shutter are simply secured to, and not “inserted into,” the lower section 24 prior to packing the container with toner. Claim 12 therefore defines over this reference.

As to the feature of Claims 17-20, now included in Claims 1, 8-10 and 13-16, the Office Action stated that a cylindrical shutter removably fitted in a transverse cylindrical shutter hole is shown in Fig. 5 of Welch et al. However the shutter 68-70 in Fig. 5 of Welch et al is simply a pivotable disk. It is not a cylindrical member removably fittable in a transverse cylindrical shutter hole.

Cylindrical members are shown in Fig. 5 of Welch et al but these members simply comprise a rotating shaft which supports the shutter. They do not satisfy even the broadest reasonable interpretation of a shutter. The plain meaning (broadest reasonable interpretation) of a shutter requires an element that can shutter or close a passage. The cylindrical shaft members shown in Fig. 5 of Welch et al cannot close the passage of the outlet member and are not themselves a shutter.

In order to more clearly claim this distinction, Claims 1, 8-10 and 13-16 further recite that the shutter is a cylindrical member “traversing the passage of said outlet member” and removably fittable in a transverse cylindrical shutter hole of the outlet member. The cylindrical shaft members shown in Fig. 5 of Welch et al cannot traverse the passage of the outlet member and so cannot comprise the presently claimed shutter. The claims thus clearly define over this reference.

Claims 4, 6 and 7 were rejected under 35 U.S.C. § 103 as being obvious over Welch et al in view of Terazawa et al. However Terazawa et al was simply cited to teach forming a dispensing container from a flexible material, and so provides no teaching to overcome the aforementioned shortcoming of Welch et al with respect to Claim 1. The claims thus define over any combination of these references.

Concerning the claim objection, it is noted that "body member" is recited in the preamble of each of Claims 1-7 and 13. The claimed outlet of the body member therefore comprises the outlet of the entire claimed combination.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early Notice of Allowability.

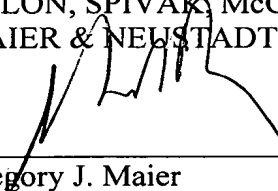
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)



---

Gregory J. Maier  
Registration No. 25,599  
Robert T. Pous  
Registration No. 29,099  
Attorneys of Record